

At 6:00 pm the Board's meeting was called to order in the basement meeting room at the Fremont Town Hall. Present were Selectmen Brett Hunter, Greta St Germain, and Annmarie Scribner; and Town Administrator Heidi Carlson.

OLD BUSINESS

1. Selectmen reviewed the minutes for 06 May 2010. Motion was made to approve them by St Germain. The motion was seconded by Scribner. The vote was unanimously approved 3-0.
2. The Safety Complex Solar Panel Ribbon Cutting ceremony will be held at 10:00 am on Saturday May 15, 2010. Selectmen have been asked to attend, none are available this weekend.
3. Selectmen reviewed the revised / updated Purchasing Policy document. Scribner moved to approve the Policy and the letter for signature. St Germain seconded and the vote was unanimously approved 3-0.

Carlson left the meeting from approximately 6:15 to 7:15 pm to meet with another computer consultant on the Town's computer needs and assessment.

At 7:00 pm Department Head Neal Janvrin was present. He presented an updated Dog Ordinance for the Board's review. It has been updated to reflect changes in NH Statute, including the new State fine and fee schedule. This will be posted for a public hearing along with the previously presented Speed Limit updates to include all new Town roads.

The Board discussed with Chief Janvrin a preliminary line item transfer among the fuel lines, including \$200 in the "other" category for fuels used, unallocated, during the flood. Janvrin was asked to submit a line item transfer form for this, to show what it was actually used for.

Selectmen discussed the Library credit card, as it would be an exception to the rule being created in the Financial Policies, currently underway. Selectmen asked to see a copy of their credit card and the history on the account to understand. They were concerned that it should be housed at the Selectmen's Office if it is a "town" card. There was also discussion about RSA 202-A and what Town Policies the Library may be subject to.

Fire Chief Richard Butler came into the meeting at approximately 7:10 pm. He discussed ongoing events with the Board.

Carlson returned to the meeting at 7:15 pm.

Butler said that he was not going to renew one of the trailer registrations. He submitted the insurance renewal information.

Butler discussed Town (Fire Rescue) equipment that had not been returned from resigning members. He has enlisted the help of the Fremont Police Department to retrieve Town equipment.

At 7:25 pm the Board moved upstairs to host a Public Hearing on Cable Public Access.

At 7:35 pm Chairman Hunter opened the Public Hearing. Present for the meeting were Selectmen, Carlson; and member of the Public Keith Stanton.

Hunter read aloud the posted notice of Public Hearing:

FREMONT CABLE ACCESS PUBLIC INFORMATIONAL HEARING

The Board of Selectmen will hold a public hearing at 7:30 pm on Thursday May 13, 2010 to gather information from the public on their thoughts and wishes with regard to the future of Cable Public Access in Fremont.

As voters may be aware, the proposed Warrant Article to establish a revolving fund did not pass. Without this authorization, the Town does not have a means to accept and expend cable franchise fees for the purpose of purchasing equipment and funding cable access.

The Board of Selectmen is looking for input from the community. If you are unable to attend the public hearing, please feel free to send a letter to the Board at PO Box 120, Fremont NH 03044-0120; or an email to FremontTA@comcast.net prior to May 13th.

The Public is encouraged to attend this meeting or submit any written comments to the Board as soon as possible.

Posted: 23 April 2010 and Published in the May 2010 Fremont Newsletter

Some historical data was reviewed by Hunter, including the following:

The Fremont Cable Study Committee worked throughout 2007 and 2008 on information and options for the Town related to renewal of the 1988 cable franchise.

A final document was signed by the Board of Selectmen in February 2009. This contract contained provisions for some additional services for the Town, including access to the same Fremont feed by all Fremont residents, requiring additional engineering of areas near the Sandown line and the Raymond/Epping line; cabling of Old Ridge Road (not previously wired); construction of a return line from Fremont to Exeter to allow for public access programming; and \$10,000 to be used by the Town to purchase equipment.

The return line was originally estimated at \$26,000 to construct. The revised estimate (prepared by Comcast at the time of construction) is \$60,000.

All of these items are included in the “franchise-related cost” which is a percentage that is on every subscriber’s bill. This is currently 5% and was scheduled to be in place at that level from February 2009 through June 30, 2011. After that, the franchise fee would reduce to 2.5%.

The goal of the franchise-related cost was to pay for the aforementioned improvements. This was planned to take place with the Town Meeting approval of a revolving fund in accord with NH RSA 31:95-h I (e) for “providing cable access for public, educational, or governmental use.”

An article proposing this was on the Town Meeting warrant in 2009 and 2010 and defeated both years. This fund would have allowed the Town to accept and expend monies from cable franchise fees for cable related expenses. Without a legal appropriation, the Town cannot spend the franchise fee money. Without a fund to place them into, any money received from Comcast would go into the general fund to offset taxes, and would not be able to be set aside for the purpose initially intended.

The Selectmen have looked at other options, including the provisions of NH RSA 31:95-b.

Additionally, the following information, presented by Jay Somers, of Comcast, during the contracting process, was available for review regarding the cost items that would be paid for:

Fremont Franchise Related Cost

\$5,000 Equipment Grant. Average Franchise Related Cost (FRC) to Fremont customers for 1 full year:
.06 per subscriber

\$26,436 Return Line from Fremont Town Hall to the Exeter Head-end. Average Franchise Related Cost (FRC) to Fremont customers for 10 years: *0.29 per subscriber*

\$47,700 to re-engineer the following Fremont locations to receive the Fremont access channel; Midnight Sun Drive, Pulaski Drive, Treaty Court and Dakota Drive. Average Franchise Related Cost (FRC) to Fremont customers for 10 years. *0.47 per subscriber*

\$10,000 to extend cable to the remaining six homes on Old Ridge Road. Average Franchise Related Cost (FRC) to Fremont customers for 1 year: *0.13 per subscriber*

Fremont Franchise Fee

One half percent (1/2%) of total gross revenues for the 1st full year of the renewal license is estimated to be **\$6,000**. The average franchise fee to Fremont customers: *0.40 per sub.*

Notes: The average cost per customer as it is related to the FRC is dependent on the number of Fremont customers.

The average cost to Fremont customers as it is related to the Franchise Fee is calculated on the amount of the Cable TV services a customer subscribes to.

Keith Stanton added that the Selectmen disbanded the Cable Study Committee in early 2008, and the Board and Attorney then worked on completing the contract. He said it was another 13 months before the contract was finalized.

Stanton said that Comcast is collecting millions of dollars from Fremont subscribers.

At 7:40 pm Costas and Sharon Tonas and Road Agent Mark Pitkin came in to the meeting.

Stanton reviewed the 2008 Warrant Article #10 which created an Expendable Town Trust Fund for cable access. This was removed in 2009 Warrant Article #22; to be replaced by a Revolving Fund (Warrant Article #23), which did not pass.

Again in 2010 a Warrant Article was proposed to create a Cable Access Revolving Fund to accept and expend monies from, and that failed as well. Carlson further explained that the Town could not make use of RSA 31:95-b because this was not “unanticipated” money.

Stanton mentioned old equipment first obtained from Continental Cablevision at the beginning of the 1988 contract, had become antiquated and was later disposed of.

Stanton said he thought that the refunding of the two cents to the Town would not be legal and termed it “cramming.” He had a Wikipedia definition of “cramming.”

The Tonas's said that they were on an Epping feed, and some additional programming would be needed in that area as well. In general they supported public access. Mark Pitkin said he did not access it that much, but also thought it would be a good idea to have information available in that form.

Additional information had been received from Jay Somers 05/10/2010 regarding a few options regarding access programming costs, which are summarized in an email from him (related to the cost of the return line and number of drops).

Option 1: Follow the renewal license requirement and build out the return line. Town Hall will be the hub with origination points at the elementary school and library. Town Hall will have the capability of originating live and taped programming. All access programming will originate from this site. The total cost is \$60,000. Total franchise fees collected by Comcast for the Town to date, is \$55,674, this includes from April thru December of 2009 and the 1st quarter of 2010. There is a possibility that the total construction cost for the return line could come in under \$60,000, but if not some of the franchise fee collected for the 2nd quarter will be applied to the construction cost. The difference between the actual return line cost and the estimated cost; the estimated cost did not take into consideration the local exceptions such as underground, easement and permit cost and railroad crossings. Not to say all these are pertinent to Fremont, but this is just a few general examples.

Option 2: Purchase a soft-ware package (estimated cost \$10,000) that allows the Town to over-ride the Exeter access channel four (4) to five (5) hours per day with bulletin board information. Example: days and time of Selectmen, Planning Board, and Finance Committee Meetings, also school closings and school board meetings and all other information pertinent to Fremont. This option still needs a return line.

Regarding the name changes to bills, etc. This is a re-branding of our products that we sell, video, voice, and internet. Comcast will remain the parent company and **Xfinity** is the new name for the different services we offer. All services will remain the same. Subscribers who have received a notification by mail that they need a converter box should either contact Comcast or go to the Exeter office to receive the equipment. Each household is entitled to three (3) DTA boxes at **NO** charge to the subscriber.

St Germain questioned if Stanton thought we could muster the volunteers to make this happen and keep programming fresh. Stanton said that he thought we could work with Ellis School students as well as the A/V students at the Sanborn Regional High School.

Stanton said that he would like to see the return line constructed. He also said that during the negotiation meetings that Somers agreed to pay themselves (Comcast) back for the return line while the Town worked on establishing the fund.

It was noted that fees go up with regularity in Fremont, and that the amount of franchise costs / fees paid is dependent on one's total cable bill each month.

Board members expressed their desire to hear from the public in this regard, to make the necessary decisions about how to proceed. Carlson advised that no written correspondence had been received.

Stanton said that he went door to door some time ago, in the Prescott Road / Midnight Sun Drive / Pulaski Drive area and that more than half of the residents at that time did not want to lose their feed, which comes from Raymond and the associated programming. He thought before that was done, that these residents should be consulted again.

At 8:10 pm the Public Hearing was closed on a motion from Hunter and second from St Germain. The vote was unanimously approved 3-0.

At 8:15 pm the Selectmen moved back downstairs to the basement meeting room and reconvened, meeting with Costas & Sharon Tonas and Road Agent Mark Pitkin to discuss the status of Shirkin Road.

The Tonas's said that the road had been sinking for a long time; and they did not want to see it returned to dirt. Mr Tonas said that the asphalt is holding the road together. He also thought that it is a band aid either way. Pitkin said that if you band aid it at \$80 per ton for cold patch; it will get quite expensive. Pitkin felt for safety reasons, it could not be ignored.

Mr Tonas suggested that if the road returned to dirt; that Pitkin would have to grade it every two weeks.

Mrs Tonas asked about when it is dry and dust becomes a problem. Pitkin said that they would consider putting calcium chloride on it when it is dry, if needed.

All agreed that the huge traffic flow is due to the soccer fields, and Epping businesses located on Shirkin Road. The Tonas's said that on any given weekend, there are 500 cars through there every couple of hours.

They indicated that speed is an issue because the traffic is not obeying posted limits, etc. They said it is a constant problem. Carlson said she would pass this information on to the Police Chief.

There was discussion about the road being rough this spring, but that it has leveled out some once the ground settled. The potholes have been fixed as needed. It was decided to fix the spots that are rough as needed, and continue to band aid it until funding is available to do something more permanent.

The Tonas's expressed concern about being stuck on a dirt road if money is not appropriated in the future. They said they are the only ones who live on the road in the section from Leavitt Road to the Epping town line.

Pitkin was asked if it could be kept safe, wherein the road has cracked, and in the wintertime it heaves. Pitkin said he could fix potholes as needed. He said it would need maintenance no matter how it is kept until it can be adequately repaired permanently. He said he does not want to keep spending money on cold patch, and he may try filling it with gravel as a cheaper alternative to the hottop.

Selectmen discussed talking to the Town of Epping again to express concern, as there is additional information circulating regarding further expansion in the area. Tonas's said that Buxton Oil is running 15 trucks; Eastern Propane running 4 or 5; and Proulx running 15 or 16 trucks. They added that another construction business is being put in now at their property line in Epping.

The Tonas's said they have been to meetings in Epping; and Epping Officials have flatly told them that they don't care about the Fremont residents.

A clubhouse and restaurant are proposed to be going in on the lot; where the Epping Fire Department recently burned down a house. Hunter suggested contacting Penn Brown to see about putting some pressure on the Town. He said he would contact the Fremont representatives.

It was agreed that the Town couldn't let the road fail. There was no sure answer on how to solve the problem completely. There was general discussion about the overall budget reductions and the constraints the Town was under.

Selectmen thanked the Tonas's for their time and input and they left the meeting at approximately 8:45 pm.

At this time Mark Pitkin discussed additional items with the Board. He said he would like permission to hire some part-time highway flaggers as needed for different projects.

He discussed his methodology, and there was discussion about posting a job description, to include perhaps \$10 per hour on a temporary/as-needed basis. The Board also discussed using existing Town staff as available, without getting into any overtime situations.

Carlson will send a sample job description to Pitkin to mark up, and it will be posted in-house to see what we get for a list of available and interested candidates.

Selectmen and Pitkin reviewed a letter from the Coopers on Riverside Drive regarding a tree. Pitkin will look at the area again in response to their concerns. The owner will be asked if they have a survey of the property.

Scribner indicated that she had been approached by resident Brooks Braley while out to dinner, and discussed the cost of hottop versus cold patch. Pitkin explained that hottop is meant to go in place; and cold patch may be used a small part at a time

Pitkin said he was still working on pricing, including doing some oil sealing. He said there may be some concern expressed about this, but when done it creates a sand seal mix that will help preserve the roads. He said the Town could do Beede Hill Road for approximately \$20,000 and it would help in filling cracks and putting life back in the road for 4-5 years.

He said that we may be able to get another 4 years out of the hottop if it is sealed now, and suggested doing it on some of the main roads. He is working on prioritizing the roads in need of repairs/reconstruction.

Pitkin also said he had obtained two prices for a sander to be used for the one ton, ranging between \$9,000 and \$10,000.

Pitkin left the meeting at approximately 9:15 pm.

4. Carlson distributed copies of some Financial Policy revisions as made last week.

NEW BUSINESS

1. Selectmen reviewed the payroll \$22,371.11 and accounts payable manifest \$246,029.54 for the current week dated 05/14/2010. Motion was made by Scribner and seconded by St Germain to approve the payroll manifest of \$23,371.11. The vote was approved 3-0. Scribner then moved to approve the accounts payable manifest in the amount of \$246,029.54. St Germain seconded and the vote was unanimously approved 3-0.

In the Board's review of the timesheets, there was discussion about the plan for Tax Collector office hours, and what the current schedule was for the Collector's office.

Treasurer Kimberly Dunbar left a report for the Board's review. It was marked up by Scribner for return to Dunbar. What the Board is hoping she can do is show the beginning balance and all of the expenses and revenues for the month, on full (complete) basis to know when the Town needs to borrow, etc; and to see actual cash flow totals.

2. Selectmen reviewed the folder of incoming correspondence.

3. Selectmen reviewed and signed outgoing correspondence including a letter to Harmon Law Offices regarding property on Whittier Drive.
4. Selectmen reviewed and approved the June Newsletter for publication.
5. Carlson advised the Board that the Letter of Credit for Dan Perry's Thunder Road project has lapsed. By statute, no building permits can be issued until the new, updated Letter of Credit is on file with the Town.

Thom Roy contacted Dan Perry again this morning and informed him that the bond renewal would need to be in place before further building permits can be issued. Perry advised that he understands and was aware of the bond expiration and is working to get that resolved. In addition to the bond he has two items that also needed confirmation of completion. This includes completion of the site cistern and closure on Conservation Easements per the plan. (A 2007 letter outlining the conditions of the plan was reviewed). Further research shows that the Conservation Easements have been completed and are on file with the Town.

As to the cistern, Perry stated that he has it mostly completed and he was further referred to the Fire Chief and given Chief Butler's contact info. Perry is aware that he needs to work through the cistern with the Chief before further building permits can be issued.

The Board agreed that no more permits should be issued until the Letter of Credit is replaced; and that no further Occupancy certificates should be issued until the cistern matters are resolved.

6. Selectmen reviewed the 2009 tax lien listing from Tax Collector. The Board also reviewed the deed list (2007 taxes). Letters will begin being prepared to the deed property list to invite owners in to meet with the Board if taxes will not be paid in time to avoid the deeding.
7. The Selectmen reviewed and acted upon the following abatements for the 2009 tax year:

Paul Drapeau & Carol Hepworth

06-064.007

85 Tuck Drive

Subject is a colonial style dwelling on a 2.39-acre parcel. Reason for request is the applicant's concern with assessment of \$407,400 as compared to appraisal indication of \$285,000 as of May 2009. Copy of appraisal was provided. Subject was previously inspected March 2009 for 2008 abatement request. All information submitted was reviewed and appraisal was given no weight as of three comparable sales, one was a bank sale and one was a short sale. These are not the best available and appraiser neglected to reference or report the sale in the neighborhood at \$327,500 in March 2009. In addition cost approach indication in the appraisal report was \$340,000. When other sales and current listings from the neighborhood are compared to subject and recognition of Town's equalization ratio of 118.2% is applied, the value range indicated supports the current assessment. With consideration for all of the above, it is recommended that the abatement request be denied.

After review of the Assessor's information, it was moved by Scribner to accept the Assessor's recommendation and deny the abatement. St Germain seconded and the vote was unanimously approved 3-0.

Carl Erickson

06-064.003

28 Tuck Drive

Subject is a colonial style dwelling on a 2.22-acre parcel. Reason for request is the applicant's concern with assessment of \$397,000 as compared to data from selective properties in the subject neighborhood and un-dated market analysis information indicating a value range of \$320,000 to \$335,000. All information provided was reviewed. Comparison of sale prices to assessment for average value

difference and references to decline fail do not provide indication of the subject's value. Market analysis did not do any actual comparison of the subject to comparable properties but rather a statistical review. The applicant appears to not fully understand that property assessments were established during the Town 2005 Revaluation. Thus as the market downturn has occurred, the Town's assessment to sale price ratio (equalization ratio) has increased such that as of April 1, 2009 it was at 118.2%. As such most properties in Town were assessed 118.2% above sale prices. Application of this factor to the subject's assessment indicates a value of around \$335,900, which although I do not agree with market analysis, is similar to its value range. With consideration for all of the above, it is my opinion that the applicant has not met his burden to show good cause for an abatement and it is recommended that the request be denied.

After review and discussion, motion was made by Scribner and seconded by St Germain to deny the abatement. The vote was unanimously approved 3-0.

Mark & Paula Marino 03-191.003 62 Cavil Mill Road

Subject is a colonial style dwelling on a 3.38-acre parcel. Reason for request is the applicant's representative's opinion that assessment is excessive based on a comparison to some sales. All information provided was reviewed. Property had been previously inspected by MRI. Upon review of data with consideration for change in market, it is the Assessor's opinion that an adjustment is appropriate. Applicant's representative has provided an agreement indicating that there will be no appeal if the assessment is reduced \$30,100 from \$480,100 to \$450,000 for the 2009 tax year. The settlement offer appears reasonable and as such it is recommended that an abatement in the amount of \$695.91 plus applicable interest be granted.

Upon review and discussion of the Assessor's recommendation, motion was made by St Germain and seconded by Scribner to grant the abatement. The vote was unanimously approved 3-0.

Jason Sandoval and Julie Ryan 03-146 259 Main Street

Subject is a colonial style dwelling on a 1.30-acre parcel. Reason for request is the applicant's concern with assessment due to site being in a flood plain, the dwelling having unfinished interior areas and purchase price of \$190,000 as of March 2008. Property was inspected and noted numerous unfinished areas and significant deferred maintenance. The house was built in 2003 however the septic required replacement due to damage from flooding, per the owner. Overall the property is in fair condition and still needs repairs which are slowly progressing. After corrections to the improvements and an adjustment to the site to reflect its location and topography issues, the assessment is reduced \$171,500 from \$441,000 to \$269,500. With consideration for all of the above, it is recommended that an abatement in the amount of \$3,965.08 plus applicable interest be granted.

After considerable discussion, motion was made by Scribner and seconded by St Germain to accept the Assessor's recommendation and grant the abatement. The vote was approved 3-0.

NEXT WEEK

The next regular Board meeting will be held on Thursday May 20, 2010 at 6:00 pm. The Highway Study Committee meets on Monday May 17, 2010 at 6:00 pm. With no further business to legally be brought before the Board, motion was made by Hunter and seconded by St Germain to adjourn the meeting at 10:00 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson, Town Administrator